

ATTORNEY REGULATION ADVISORY COMMITTEE

MINUTES

Thursday, October 5, 2017
9:30 a.m. – 11:30 a.m.

State Courts Building, 1501 West Washington Street, Phoenix, Arizona
Conference Room 109

Present

Justice Ann Timmer
Hon. Lawrence Winthrop
Whitney Cunningham
Elaine Sweet
Edward Novak
Lisa Panahi
George Riemer
David Lunn
Maret Vessella
Patricia Sallen
Ben Click

Telephonically Present

Ronald R. Watson
Pamela Treadwell-Rubin
James Belanger

Absent

Hon. William J. Neil
Scott Rhodes
Emily Johnston

Staff

Kathleen Curry
Mark Wilson
Carol Mitchell
Brianna Farmer

Regular Business

9: 30 a.m. Call to Order, Welcome and Introductions

Hon. Ann S. Timmer

Justice Timmer welcomed the newest ARC member, James “Jim” Belanger who introduced himself and acknowledged he looked forward to meeting everyone in person at the next meeting as he had a conference call that prevented him from participating in person.

Justice Timmer also acknowledged George Riemer’s upcoming retirement and thanked him for his service and leadership in the Commission on Judicial Conduct.

Business Items and Potential Action Items

No. 1 Review and Approve March and April 2017 ARC minutes

Motion: Approve March and April 2017 ARC minutes

Moved by: Whitney Cunningham

Second: Edward Novak

Carried: None opposed.

No. 2 Review Status of Rule Amendments to:

- *R-16-0047 Rule 38 Approved Legal Service Organizations* Staff

Carol Mitchell presented a brief summary regarding adopted changes to Rule 38.

- *R-17-0005 Rule 50 ADPCC membership* Staff

Carol Mitchell presented a brief summary regarding adopted changes to Rule 50.

- *R 17-0008 Rule 39 Pro Hac Vice Admission* Staff

Carol Mitchell presented a brief summary regarding adopted changes to Rule 39.

- *R-17-0011 Rule 38 In-House Counsel Registration* Staff

Carol Mitchell presented a summary regarding Rule 38.

- *R-17-0022 Rule 32 State Bar Membership* Staff

Carol Mitchell presented a summary regarding the Court's denial of the Rule 32 proposed petition.

Justice Ann Timmer, George Riemer, and Pamela Treadwill-Rubin provided additional discussion.

No. 3 Review, Discussion and Possible Action Concerning Rule 38 Kathleen Curry

Kathleen Curry provided an update on Rule 38 sub-committee's progress.

No. 4 Review, Discussion and Possible Action for Proposed Rule Petitions Staff

- *Rule 34 Admission on Motion- Active Practice Determination (3 of 5 years)*

Carol Mitchell presented Rule 34 regarding Active Practice Determination for Admission on Motion. Staff recommends the committee evaluate the current language and consider language clarification for active practice.

Justice Ann Timmer provided additional discussion.

- *Rule 34 Admission on Motion- Proposed Bifurcated Application Process*

Carol Mitchell presented Rule 34 regarding a Proposed Bifurcated Application Process for Admission on Motion to allow applications to be initially reviewed for eligibility and pay a smaller percentage of the total fee and upon meeting established criteria, applicants would be offered to submit remainder of fee to continue through the Character and Fitness investigation.

Patricia Sallen provided additional discussion.

Justice Timmer proposed a sub-committee assemble to review Rule 34 Admission on Motion – Active Practice Determination and Proposed Bifurcated Application Process. Edward Novak, Patricia Sallen, and James Belanger volunteered.

○ *Rule 35 Examination Requirements-Permission to Write*

Carol Mitchell presented a recommendation to re-evaluate Rule 35 regarding existing requirements for permission to write on the Bar Examination by either increasing the number of attempts prior to the Committee on Examinations's permission or eliminating the requirement

Mark Wilson and David Lunn provided additional information.

Justice Ann Timmer, Hon. Lawrence Winthrop, Pamela Treadwell-Rubin, Edward Novak, Elaine Sweet, Patricia Sallen and George Riemer provided additional discussion.

○ *Rule 35 Examination Requirements-Accommodation Requests*

Mark Wilson presented Rule 35 regarding accommodation requests. Staff proposes that the committee review the process and determine a way to expedite the review and final decision through either a staff approval or subcommittee of the Committee on Examinations.

David Lunn provided additional information.

George Riemer and Hon. Lawrence Winthrop provided additional discussion

Justice Timmer proposed a sub-committee assemble to review Rule 35 Examination Requirements - Permission to Write and Accommodation Requests. David Lunn, Pamela Treadwell-Rubin, and Whitney Cunningham volunteered.

○ *Rule 38 Military Spouse Admission-AZ UBE Failure, Eligibility and Fees*

Mark Wilson presented a recommendation to review Rule 38 regarding Military Spouse Admission including associated fees and considerations if applicants sit and fail Arizona UBE in attempt to gain permanent admission

Justice Ann Timmer, Hon. Lawrence Winthrop, Pamela Treadwell-Rubin, David Lunn, Whitney Cunningham, and Edward Novak provided additional discussion.

Justice Timmer proposed a sub-committee assemble to review Rule 38 Military Spouse Admission. Hon. Lawrence Winthrop, Lisa Panahi, Edward Novak, Kathleen Curry, and Maret Vessella volunteered.

All rule change petitions must be filed with the Court by January 10, 2018; therefore, all subcommittees are asked to provide drafts to ARC prior to the December 13th ARC meeting at which time those petitions that are ready for ARC review will be considered.

- No. 5 Review and Approve 2018 meeting dates:
March 14, 2018; April 11, 2018; June 6, 2018; September 12, 2018 and December 12, 2018

Carol Mitchell presented potential meeting dates for 2018.

- No. 6 Call to Public

Next meeting date: Wednesday, December 13, 2017

Any agenda item, including the call to the public, may be considered at a time other than what is indicated on this agenda.

The Committee may meet in executive session as permitted by A.C.J.A. §1-202.

Please contact Brianna Farmer at (602) 452-3126 with any questions concerning this agenda.